

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3509 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

KESHUBHAI L PATADIA

Versus

JETPUR MUNICIPALITY

Appearance:

1. Special Civil Application No. 3509 of 1997
MR GM JOSHI for Petitioner No. 1
MR JR NANAVATI for Respondent No. 1-2
GOVERNMENT PLEADER for Respondent No. 3
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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/12/2002

ORAL JUDGEMENT

#. By way of this petition, the petitioner has

challenged the impugned order passed by the respondent-Municipality on 21.9.1996 and the order dated 11.3.1997 passed by the Collector. By an order dated 26.9.1998 the respondent municipality asked the petitioner to vacate the quarter and maintain the vehicles and drive it. The appeal filed against that order was disposed of by learned Collector by order dated 2.3.1997. Hence, this petition.

#. On 2.5.1997 while issuing notice to the respondent, ad-interim order was granted in favour of the petitioner whereby the respondents were directed to permit the petitioner to discharge his duties as driver-cum-mechanic. After hearing the other side this petition was admitted on 23.9.1997 and ad-interim relief granted earlier was ordered to be continued till final disposal of the petition.

#. The interim order passed by this court was complied with late by the respondents. During the pendency of this petition, the petitioner came to be retired from service. In that view of the matter, nothing more is required to be done in the matter, as practically this petition has become infructuous. He has already vacated the quarter, which he has occupied under the interim order passed by this court, after his retirement. Only grievance made by Mr.Joshi in this matter is that though there was ad-interim order passed by this court on 2.5.1997 same was not complied with letter and spirit by the respondent-Municipality immediately and thereby he was not allowed to resume duty as driver-cum-mechanic at the earliest.

#. In spite of the interim orders passed by this court, which was duly served upon the respondent, if the same is not complied with immediately by the authority, then on the appropriate representation that maybe made by the petitioner before the appropriate authority within one month from today regarding his arrears during the period for which he was not allowed to work shall sympathetically be consider and decide by the authority as early as possible preferably within three months from the date of the receipt of such representation. If he has any grievance then it will be open to him to approach the competent authority for redressal of his grievance. Accordingly Rule discharged with no order as to costs. Interim relief granted earlier stands vacated forthwith.

(B.J.Shethna, J.)

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